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Eighth report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 2107 (2013)

I. Introduction

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 2107 (2013) and covers developments pertaining to the issues of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, since the issuance of my previous report, dated 9 July 2015 (S/2015/518).

2. Bilateral ties between Iraq and Kuwait continued to strengthen during the reporting period. As part of his regional tour to bolster Iraq's relations with neighbouring countries, the Speaker of the Iraqi Council of Representatives, Salim al-Jabouri, visited Kuwait on 12 July and met the Emir of Kuwait, Sheikh Sabah al-Ahmad al-Jaber al-Sabah, and the Speaker of the Kuwaiti National Assembly, Marzouq al-Ghanim. On 22 July, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah al-Khaled al-Hamad al-Sabah, welcomed the statement of the Minister for Foreign Affairs of Iraq, Ibrahim al-Jaafari, advocating closer ties between the two States. On 13 August, the Ministry of Foreign Affairs of Kuwait denounced the terrorist attack in Sadr City, east of Baghdad, which killed 76 citizens and wounded 150 others, noting that Kuwait fully supported Iraq in countering all forms of terrorism.

3. During the seventieth session of the General Assembly, Kuwait underlined its support to help Iraq preserve its security and territorial integrity and address the growing humanitarian crisis. On 29 September, in his statement to the Assembly, the Prime Minister of Kuwait, Sheikh Jaber al-Mubarak al-Hamad al-Sabah, highlighted Kuwait's support with respect to all measures taken by the Government of Iraq in preserving its security, stability and territorial integrity, and also noted Kuwait's logistical support to the global coalition to counter the Islamic State of Iraq and the Levant (ISIL). He further emphasized Kuwait's humanitarian assistance to Iraq. On 1 October, Mr. Al-Jaafari and Sheikh al-Sabah met in New York on the margins of the General Assembly; they emphasized that the two countries held common views on matters of mutual interest. Mr. Al-Jaafari praised Kuwait's support towards Iraq, particularly after the emergence of ISIL.

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II. Recent activities with regard to the repatriation and return of all Kuwaiti and third-country nationals, or their remains

4. From 26 July to 10 August, an Iraqi specialized team from the Department of Humanitarian Affairs and the Department of Prisoners of War and Missing Persons of the Ministry of Human Rights, together with representatives of the Ministry of Defence, the Ministry of the Interior and the Medico-Legal Directorate of the Ministry of Health, carried out excavation works in the Al-Khamisiyah site in Dhi Qar governorate. A total of 604 test trenches were dug; however, no human remains were discovered.

5. My Deputy Special Representative for Political Affairs continued to meet with relevant interlocutors in carrying out his responsibilities under Security Council resolution 2107 (2013). On 15 July, he met with the Iraqi Minister of Human Rights, Mohamed Mehdi al-Bayati, to urge the Ministry to increase its efforts with respect to the missing persons file, as it contributed to strengthening relations between Iraq and Kuwait. Mr. Al-Bayati assured him that the work on the potential burial sites and in contacting witnesses would continue.

6. On 11 August, my Deputy Special Representative met representatives of the Iraqi Ministry of Human Rights and Ministry of Foreign Affairs to review practical steps taken in search of the missing, as well as to gauge the progress on carrying out the 2015 workplan. The parties noted that reaching witnesses remained one of the main challenges for the Government of Iraq, as those with ties to the previous regime had either moved to other countries or were unwilling to cooperate. My Deputy Special Representative was requested to assist in obtaining new technology to search for remains in potential burial sites from willing States, as well as to support the Government in its search for missing Iraqis allegedly buried in Kuwait.

7. On 16 August, the Iraqi Prime Minister, Haider al-Abadi, ordered the dissolution of the Ministry of Human Rights as part of a wide-ranging reform plan intended to strengthen democratic institutions and fight corruption. Following the announcement, the activities planned for the remainder of 2015, including field work, have been temporarily frozen. The Ministry had led the file on missing Kuwaiti and third-country nationals and headed the interministerial committee on the same matter. The Government of Iraq has yet to make a decision on which entity will take over the dossier. For now, the Ministry of Foreign Affairs has been playing a facilitation and coordination role.

8. On 20 August, my Deputy Special Representative held a meeting with the Head of the International Organizations and Cooperation Department of the Iraqi Ministry of Foreign Affairs, Ahmed Bamarni, to discuss the impact of the dissolution of the Ministry of Human Rights on the missing persons file. The Deputy Special Representative emphasized the need to employ new methodology to enhance the efficiency of the search. Mr. Bamarni reiterated that Iraq would pursue the issue vigorously in accordance with its obligations, while cautioning that funding problems might impede or delay certain activities. On 25 August and 5 October, my Deputy Special Representative also met with the representatives of the International Committee of the Red Cross (ICRC) to discuss the way forward on the file in the light of the dissolution of the Ministry of Human Rights. On 6 October, he met with the Iraqi Undersecretary for Legal Affairs and Multilateral Relations, Omar Barzanji, who provided assurances that despite changes in the

Government's structure, the work on the file would continue unabated, with the Ministries of Foreign Affairs and Defence expected to officially take it over and absorb the technical expertise from the Ministry of Human Rights.

9. On 6 October, in a meeting with the Ambassador of Kuwait to Iraq, Ghassan al-Zawawi, my Special Representative for Iraq emphasized that the United Nations Assistance Mission for Iraq (UNAMI) remained fully committed to its mandated role on the file of missing Kuwaiti persons and property and, to that end, it had been closely following up with the Government of Iraq on the impact on the file of the dissolution of the Ministry of Human Rights. Ambassador Zawawi highlighted the importance that Kuwait attached to the file and expressed hope for concrete progress soon. He further noted that Kuwait stood by Iraq during this difficult period. In turn, during a meeting with Mr. Al-Jaafari on 12 October, my Special Representative called for an increase in the Government's attention to and efforts on the file. Mr. Al-Jaafari acknowledged the importance of the file and reiterated that the issue remained a priority for the Government of Iraq. Highlighting the strong bilateral ties between the two States, the Foreign Minister expressed appreciation to Kuwait for its support to Iraq during these critical times.

10. On 12 and 13 October, the Iraqi Ministries of Foreign Affairs and Human Rights published an announcement in the local newspapers in an attempt to identify witnesses with knowledge of missing Kuwaiti and third-country nationals and missing Kuwaiti property, also offering to provide them with financial compensation and legal assurances.

11. UNAMI participated in an observer capacity in the ninety-first session of the Technical Subcommittee of the tripartite mechanism, which took place on 13 October in Geneva. The Undersecretary for Legal Affairs and Multilateral Relations, Mr. Barzanji, assured the members that although the Ministry of Human Rights had been dissolved, Iraq was committed to continue carrying out its work on the file. Iraq also announced that it was pursuing efforts to publish a call for witnesses on satellite television channels in an attempt to reach a wider audience. In an effort to move forward with a holistic approach, ICRC presented a proposal, for consideration by the tripartite mechanism members, to undergo an in-depth scientific review of all information and past efforts in order to focus the search activities to locate and clarify cases of missing persons. The review would include collection, centralization and organization of all past data from all members of the mechanism and other relevant bodies, analysis of the information with the help of specialists and provision of forensic recommendations on the way forward. The proposal, as a parallel activity to the planned field work, was welcomed by all members.

12. On 14 October, my Deputy Special Representative met with the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs in Geneva. The Chair of the National Committee expressed concern about disruption to the work on the file following the dissolution of the Iraqi Ministry of Human Rights and emphasized the need to ensure that all the accumulated expertise, information, contacts and details of the field missions would be made available to any new organizational structure to continue work as planned. The Chair further highlighted that reaching out to witnesses was important in order to obtain much-needed information on the location of mass graves. With that in mind, a schedule of activities, in terms of announcements calling for witnesses, as well as future tripartite meetings, should be maintained.

13. My Deputy Special Representative attended the forty-first meeting of the Tripartite Commission on 15 October in Geneva. The members of the Commission endorsed the ICRC proposal to conduct an in-depth scientific review of all information and past efforts. Additionally, the observer status of UNAMI within the mechanism was extended with unanimous support. During the session, Kuwait announced its willingness and readiness to provide all assistance and cooperation to Iraq to make the transition to the new entity in charge of the file smooth and speedy. The United Kingdom of Great Britain and Northern Ireland informed the Commission that it had contacted experts at national institutions to identify individuals who would be able to assist in coordinated technical efforts.

III. Recent activities with regard to the return of Kuwaiti property

14. As indicated above, the Ministry of Foreign Affairs of Iraq published advertisements on missing Kuwaiti persons and property in local newspapers on 12 and 13 October to encourage witnesses to come forward.

15. During the meeting with my Deputy Special Representative, Mr. Bamarni noted that Iraq was currently in no position to incur the costs related to wide-scale search activities for the missing Kuwaiti property, including the national archives, due to the budgetary difficulties faced by the Government. My Deputy Special Representative reiterated that low-cost measures could be employed to continue the work, including through searching the archives of the different ministries with the assistance of volunteers. Unfortunately, the reporting period did not record any progress on the file.

IV. Observations

16. I welcome the continued positive atmosphere in bilateral relations between Iraq and Kuwait. I especially welcome and commend the solidarity and support, humanitarian and beyond, shown by the Government of Kuwait to its neighbour during these trying times. I urge the two countries to use this spirit of goodwill and cooperation to bring much needed progress to the file of missing Kuwaiti and third-country nationals and missing Kuwaiti property, including the national archives, to finally bring closure to this humanitarian issue.

17. I commend the Government of Iraq for introducing crucial reforms to enable it to respond effectively to the urgent needs of the Iraqi people. Bearing in mind the decision to dissolve the Ministry of Human Rights, I urge the Government to swiftly adopt a decision on which entity will take over the lead on the missing persons file. I further call on the Government to ensure that all information and technical expertise is passed on to the relevant counterparts to guarantee a smooth transition and continuation of work. I urge the Government of Iraq to continue with the implementation of the 2015 workplan, despite the structural changes and its severe security and financial challenges. I note with regret that, despite past efforts, no human remains of Kuwaiti missing people have been recovered in Iraq during the past 10 years.

18. I urge the Government of Iraq to remain open to the proposals and suggestions of the members of the tripartite mechanism to reinvigorate the file. I further urge the Government to find the necessary personnel and funding to resume full-scale work in search of both missing persons and missing property and to demonstrate complete commitment to this international obligation. I remain confident that exploring new avenues can bring progress on the file. I strongly encourage Iraq and Kuwait to continue convening the Joint Property Committee every six months, as agreed, in order to achieve progress on the issue of missing Kuwaiti property, including the national archives.

19. I commend the unwavering dedication and hard work of the members of the tripartite mechanism and its Chair, ICRC, who have kept the file in the spotlight for over two decades and whose activities remain crucial in addressing the issue of missing Kuwaiti and third-country nationals. I welcome the extension of the mandate of UNAMI, allowing it to continue supporting the Government of Iraq to enhance the results of the work on the file. I welcome the ICRC proposal to commence an in-depth scientific review of all information and past efforts in order to focus and better direct search activities to locate and clarify cases of missing persons. I hope that this holistic approach will be able to transform past information into new realities and yield results. I encourage the members to continue bringing innovative ideas to the table to make progress on the file.

20. I reiterate the firm commitment of UNAMI and my Special Representative and Deputy Special Representative for Political Affairs to continue providing their full assistance to promote, support and facilitate Iraqi efforts in search of missing Kuwaiti persons and property. I encourage the Government of Iraq to avail itself of the expertise and support of UNAMI towards this end.